



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 19, 1998

Mr. Richard Brown  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201A

OR98-2781

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119712.

The Dallas Police Department (the "department") received an open records request for a certain offense report pertaining to the alleged sexual assault of a child. You contend, *inter alia*, that the requested information is made confidential under section 261.201 of the Family Code and therefore must be withheld pursuant to section 552.101 of the Government Code.<sup>1</sup>

Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

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<sup>1</sup>Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Because we resolve your request under section 261.201 of the Family Code, we need not address your other arguments for non-disclosure.

(2) except as otherwise provided in this section, *the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.*  
[Emphasis added.]

As noted above, the records at issue pertain to an alleged sexual assault of a child. Consequently, section 261.201 of the Family Code applies to information at issue. You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to a chapter 261 investigation, this office concludes that the department must withhold the requested information in its entirety pursuant to section 261.201 of the Family Code. *But see* Fam. Code § 261.201(b) (provision for court ordered access), (f) (limited right of access to records held by Department of Protective and Regulatory Services).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/RWP/ch

Ref.: ID# 119712

Enclosures: Submitted documents